

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAVIO G. MAGNUS,

Plaintiff,

-against-

ASHOK L. BARVALIA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/13/2024

24-cv-08481 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

Section 1446(b)(1) provides:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

29 U.S.C. § 1446(b)(1).

Here, Plaintiff Magnus filed a complaint in the New York State Supreme Court in Bronx County on April 18, 2024. *See* Dkt. No. 1-1. Defendant received service of summons that same day. *Id.* Nearly six months later, on November 7, 2024, Defendant Barvalia removed this action to federal court. *See* Dkt. No. 1. Thus, Defendant's removal appears untimely.

Accordingly, it is hereby ORDERED that the parties shall each file a letter, not to exceed five (5) pages, addressing the timeliness of Defendant's removal no later than **November 22, 2024**.

Dated: November 13, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge